

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

CRP.No. 1907 of 2000(F)

ORDER IN UNNUMBERED PLAINT IN S.NO.4975, DATED 21.6.2000
OF THE PRINCIPAL MUNSIF'S COURT,KANNUR

REVN. PETITIONERS:

1. KOTTAMBULLA VALAPPIL SHANKARAN, AGED 48 YEARS,
S/P.LATE KUNNAMBRATH APPA UDAYA VARMAN,
PALACHAL, KOLACHERRY AMSOM DESOM,
TALIPARAMBA TALUK, KANNUR DISTRICT.
2. KUNNUMBRATH KRISHNAN, S/O.LATEKUNNUMBRATH
GOVINDAN UDAYA VARMAN, AGED 45,
PUZHATHI AMSOM DESOM.

BY ADV. SRI.K.M.MOHAMMED KUNHI

RESPONDENTS:

1. KUNNUMBRATH KUNHAPPA UDAYA VARMAN,
S/O.LATE KUNNUMBRATH NARAYANAN UDAYAVARMAN, AGED 82,
RESIDING AT KOLACHERY AMSOM DESOM, TALIPARAMBA TALUK,
KANNUR DISTRICT, P.O.KOLACHERY.
2. KUNNUMBRATH MADHAVAN, S/O.LATE NARAYANAN
UDAYAVARMAN, AGED 65 YEARS, -DO- -DO-
3. KUNNUMBRATH MADHAVAN, S/O.LATE RAMAN KERALA VARMAN,
AGED 67 YEARS, -DO- -DO-
4. KUNNUMBRATH NARAYANAN, S/O.RAMAN KERALA VARMAN,
AGED 59, RESIDING AT KOLACHERY AMSOM DESOM,'
TALIPARAMBA TALUK, KANNUR DISTRICT, P.O.KOLACHERRY.
5. KUNNUMBRATH BHASKARAN, S/O.LATE RAMAN UDAYAVARMAN,
AGED 62 YEARS, -DO- -DO-
6. KUNNUMBRATH VASUDEVAN, S/O.KUNHAMBU, AGED 60 YEARS,
-DO- -DO-
7. KUNNUMBRATH JANARDHANAN, AGED 52 YEARS, RESIDING AT
PINARAYI AMSOM DESOM, P.O.PINARAYI, THALASSERY TALUK.
8. KUNNUMBRATH NARAYANAN, AGED 45 YEARS, RESIDING AT
NEAR L.P.SCHOOL, KOLACHERY AMSOM, TALIPARAMBA TALUK,
KANNUR DISTRICT, P.O.KOLACHERY.
9. KUNNUMBRATH VELAYUDHAN, AGED 41 YEARS, -DO- -DO-
10. KUNNUMBRATH KANAKAMBARAN, S/O.VASUDEVAN, AGED 27, -DO-

11. KUNNUMBRATH KESHAVAN, S/O.LATE AMBU UDAYAVARMAN, AGED 57 YEARS, VANKULATH VAYAL, P.O.AZHIKODE, KANNUR TALUK.

CHILDREN OF THIRD RESPONDENT:

12. KUNNUMBRATH CHANDRAN, AGED 56 YEARS, RESIDING AT KOLACHERY AMSOM DESOM, TALIPARAMBA TALUK, KANNUR DISTRICT, P.O.KOLACHERY.
13. KUNNUMBRATH RAJAN, AGED 37 YEARS, -DO-
14. KUNNUMBRATH SURENDRAN, AGED 35 YEARS, -DO-
15. KUNNUMBRATH PURUSHOTHAMAN, AGED 32 YEARS, -DO-
16. KUNNUMBRATH PADMANABHAN, AGED 29 YEARS, -DO-
17. KUNNUMBRATH MANOHARAN, S/O.KESHAVAN, AGED 35 YEARS, -DO-
18. KUNNUMBRATH CHANDRAN, S/O.LATE GOVINDAN UDAYAVARMAN, AGED 50 YEARS, -DO-
19. KUNNUMBRATH SREENIVASAN, AGED 40 YEARS, -DO-
20. KUNNUMBRATH PRABHAKARAN, S/O.LATE RAGHAVAN, AGED 40 YEARS, -DO-
21. KUNNUMBRATH PADMANABHAN, AGED 37 YEARS, RESIDING AT KOLACHERY AMSOM DESOM, TALIPARAMBA TALUK, KANNUR DISTRICT, P.O.KOLACHERY.

CHILDREN OF 5TH RESPONDENT:

22. KUNNUMBRATH SATHEESHAN, AGED 34 YEARS, -DO-
23. KUNNUMBRATH GANESHAN, AGED 31 YEARS, -DO-
24. KUNNUMBRATH RATHEESAN, AGED 28 YEARS, -DO-
25. KUNNUMBRATH PRATHEESHAN, AGED 25 YEARS, -DO-
26. KUNNUMBRATH DINESHAN, AGED 20 YEARS, -DO-

R3, R5, R6, R11, R12, R15, R19, R21 TO R25 BY ADV. SRI.MOHAMMED FAZIL.M.P.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J.

C.R.P. NO. 1907 OF 2000 F

Dated this the 29th day of November, 2007

ORDER

The Civil Revision Petition is filed by the plaintiffs in an unnumbered plaint (Serial No.4975, dated 21.6.2000, on the file of the Court of Munsiff of Kannur) challenging the order dated 21.6.2000, rejecting the plaint under Rule 11(b) of Order VII of the Code of Civil Procedure. Rejection of a plaint shall be deemed to be a decree as defined in Section 2(2) of the Code of Civil Procedure. If it is deemed as a decree, the order is appealable and not revisable under Section 115 of the Code of Civil Procedure. Hence the Civil Revision Petition is not maintainable. Accordingly, the Civil Revision Petition is dismissed as not maintainable.

The Civil Revision Petition was filed on 9.8.2000 and it is being dismissed today. In case the petitioner files an appeal challenging the order impugned in this Civil Revision Petition, he would be entitled to apply for exclusion of the period from 9.8.2000 to 29.11.2007.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

C.R.P.NO. 1907 OF 2000 F

ORDER

29th November, 2007
